

### Discussion of the Amendment

#### Rejection under 35 USC 112

Claims 1-5 stand rejected for missing the word "are" at the end of the claim.

Applicant has made the appropriate changes and thanks Examiner White for the helpful suggestion.

Claim 4 has been rejected under 35 USC 112. Applicant has cancelled this claim.

#### Rejection Under 35 USC 103

Claims 1-17 stand rejected under 35 USC 103. Based upon Mizushima and the commentary it would be obvious to one of ordinary skill in the art to modify the cited work to make the compounds of the present invention. It is also clearly pointed out that Mizushima teaches instances where R<sup>1</sup> through R<sup>11</sup> are substituted (i.e. no polyoxyalkylene groups). Applicant has amended the claims herewith to require the presence of polyoxyalkylene glycol units ( i.e. changing the claim as follows: a, b and c are independently integers each ranging from 0 1 to 20.) This requirement makes the molecules alkoxylated and more water soluble. Applicant points to the following for support:

[014] We have surprisingly learned that taking the alkyl polyglycosides produced in the commercial process, with it's inherent lack of water solubility and reacting it to make a non-ionic surface-active agents, results in a series of products that are much more usable in many applications. Simply put, alkyl polyglycosides make much better hydrophobic

raw materials than finished surface-active agents. When some or all of the many hydroxyl groups are converted into more water soluble alkoxylated groups outstanding more widely applicable surface-active agents result (underlining added).

Applicant respectfully contends that there is no motivation to modify the invention of Mizushima to include polyoxyalkylene groups. The inclusion of polyoxyalkylene groups into the molecule results in an unappreciated advantage as pointed out below:

[077] The compounds of the present invention are water soluble high foaming surfactants that are mild to the skin and have outstanding color and odor. They are outstanding wetting agents.

[078] They are particularly suited for use in personal care applications like bubble bath, shampoos and body wash. They are also very good additives for hard surface cleaners and detergent systems. (underlining added)

Since Mizushima fails to teach the desirability of using polyoxyalkylene glycol in the molecules chosen and there is no motivation to attempt such a reaction, nor any recognition that any such reaction would provide any benefit, applicant respectfully contends that the rejection should be withdrawn.

### Rejection under Double Patenting

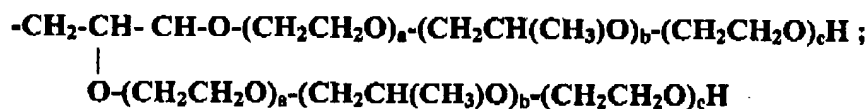
The present invention stands rejected under the Doctrine of Double Patenting.

Applicant traverses the rejection. The fact that both sets of products are alkoxyated is the reason for the rejection.

The compounds of the present invention have a critical linkage group omitted from the cited patent ('741).

The present invention is drawn to:

$R^5, R^6, R^7, R^8; R^9, R^{10}$  and  $R^{11}$  are independently selected from the group consisting of



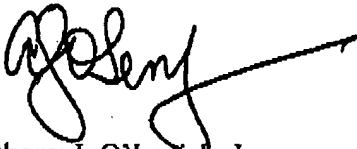
The invention of '741 does not have the critical linkage group -CH<sub>2</sub>-CH<sub>2</sub>-O- in one instance and the second set of compounds cannot be made by the '741 teachings.

The process is entirely different using different reactants. In the case of '741 ethylene oxide and propylene oxide is reacted with APG (in the present case with very specific chloro intermediates). These chloro intermediates are reacted with APG in a subsequent step. There is no way the same products can be made using the different intermediates. Applicant respectfully contends that dismissing the differences between

entire structure, the raw materials, and the process parameters used would deprive the applicants of their invention. Applicant respectfully requests the Double Patenting rejection be withdrawn.

Applicant respectfully requests reconsideration of the claims as amended in light of the advocacy presented herewith and anxiously awaits an early *Notice of Allowance* on the now pending claims.

Respectfully Submitted



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